

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY, JOHN HANCOCK
VARIABLE LIFE INSURANCE
COMPANY and MANULIFE
INSURANCE COMPANY,

Plaintiffs,

CIVIL ACTION NO. 05-11150-DPW

V.

ABBOTT LABORATORIES,

Defendant.

**JOINT MOTION TO MODIFY SCHEDULING ORDER AND SET BRIEFING
SCHEDULE**

Plaintiffs John Hancock Life Insurance Company, John Hancock Variable Life Insurance Company, and Manulife Insurance Company (f/k/a Investors Partner Life Insurance Company) (collectively, “John Hancock”) and defendant Abbott Laboratories (“Abbott”) (collectively, the “Parties”) hereby move, pursuant to Local Rule 16.1(G), to modify the Scheduling Order issued by the Court’s Minute Order of August 2, 2006 (the “Scheduling Order”) and set a briefing schedule for Defendant’s Motion to Dismiss, Plaintiffs’ Cross-Motion for Partial Summary Judgment, Plaintiff’s Motion to Compel, and Defendant’s Motion for Protective Order. Grounds for this joint motion are as follows:

1. The Parties have been endeavoring to meet the deadlines established by the current Scheduling Order. However, the Parties have filed or expect to file two discovery-related

motions as well as responses to the motion to dismiss and motion for partial summary judgment as set forth below.

2. As a result of the number of pending motion and the time needed by the Parties to file and respond to these motions, the Parties jointly propose a modest extension of the various deadlines in the existing case schedule as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Deadline</u>
All discovery completed	December 1, 2006	December 15, 2006
Exchange expert proffer	August 14, 2006	No change
Expert reports served	September 15, 2006	October 13, 2006
Rebuttal expert reports served	October 22, 2006	December 8, 2006
Dispositive motions submitted	January 8, 2007	February 26, 2007
Responses to dispositive motions	February 9, 2007	March 23, 2007
Replies to responses	March 1, 2007	April 13, 2007
Status Conference	March 22, 2007	No change

The Parties also agree upon and propose the following briefing schedule:

(1) Abbott will file and serve its reply in support of its Motion to Dismiss and its opposition to John Hancock's Motion for Partial Summary Judgment on or before October 16, 2006;

(2) John Hancock will file and serve its reply in support of its Motion for Partial Summary Judgment on or before October 30, 2006;

(3) John Hancock already filed and served its Motion to Compel on September 26, 2006;

(4) Abbott will file its Opposition to John Hancock's Motion to Compel on or before October 11, 2006;

(5) John Hancock will file a reply in support of its Motion to Compel on or before October 23, 2006;

(6) Abbott will file and serve its Motion for Protective Order on October 10, 2006;

(7) John Hancock will file its Opposition to Abbott's Motion for Protective Order on October 24, 2006; and

(8) Abbott will file a reply in support of its Motion for Protective Order on October 30, 2006.

Pursuant to this proposed schedule, briefing on Abbott's Motion to Dismiss and John Hancock's Motion for Partial Summary Judgment will be complete on or before October 30, 2006. The Parties are agreeable to, and respectfully request, a hearing on those motions as soon as convenient for the Court thereafter. The parties further request a single hearing date for their respective discovery motions, if the Court deems oral argument on those motions to be necessary, at the Court's convenience.

WHEREFORE, the parties jointly and respectfully request that the Court grant this Joint Motion to Modify the Scheduling Order and Set Briefing Schedule for the reasons stated above.

ABBOTT LABORATORIES

JOHN HANCOCK LIFE INSURANCE
COMPANY, JOHN HANCOCK
VARIABLE LIFE INSURANCE
COMPANY and MANULIFE INSURANCE
COMPANY

By their attorneys,

By their attorneys,

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Date: September 29, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on September 29, 2006.

/s/ Michael S. D'Orsi

Michael S. D'Orsi

Dated September 29, 2006